

Protection of Overseas Filipino Workers in Countries in Conflict: Focus on Syria

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Introduction

Outward labor migration from the Philippines was promoted in the 1970s as solution to unemployment, economic hardship and foreign currency deficit. Initially envisioned as a temporary measure, migration is now deeply integrated in Philippine economic policy. An estimated 10 million¹ Filipinos, equalling approximately 10 per cent of the total population live and work abroad. Migrant workers contribute to over 8.5 per cent of the Gross Domestic Product (GDP) in 2012.² Unfortunately the economic development, spurred by the remittances of migrants is accompanied with great social costs. For many, migration is a financial necessity rather than a choice. Families are torn apart while migrants often experience exploitation, abuse and discrimination in their countries of destination. In all stages of migration: before departure, in the destination country and upon return, migrants are vulnerable to exploitation. When political instability threatens government institutions, violence escalates and crises occur, migrants are particularly vulnerable. Migrants often cannot afford travel expenses, are denied travel documents, lack the knowledge of culture and language, enjoy less protection than nationals of the destination countries and are even targeted by fighting parties during crises.³ When governments are unable to protect their own citizens, migrant rights are often the least of their priorities. A large majority of Filipinos overseas are deployed to the Middle Eastern region, which has seen a rise of conflicts during the "Arab Spring".⁴

Civil unrests in Libya, Yemen, Egypt, Lebanon and Syria increase the risks faced by thousands of Overseas Filipino Workers (OFWs) in the region. The Philippine State bears the primary responsibility to protect its nationals abroad.⁵ Since 2011, more than 20,000 OFWs have been repatriated from countries torn by civil strife or devastated by natural or man-made disasters⁶. Despite the ongoing efforts of the Philippine government to locate and repatriate the migrants affected by the conflict in Syria, thousands remain.⁷ For now, threats of United States air strikes against Syria have been averted. However, further international tensions threaten international peace and security in the region, thereby risking the safety of OFWs.

The ongoing repatriation of Filipinos from Syria is costly and problematic. Despite the efforts of the Philippine government to ensure the safe return of all OFWs in Syria, the authorities face unprecedented challenges. The large majority of OFWs are undocumented domestic workers.⁸ As undocumented migrants are not registered with the Philippine authorities they are more difficult to locate. Employers are demanding exorbitant compensation to allow the OFWs to leave the country, hampering successful repatriation operations,⁹ while raising the salaries of OFWs to encourage them to stay.¹⁰ Without adequate access to reintegration services and employment opportunities in the Philippines, OFWs are inclined to stay and continue to support their families through remittances.

The repatriation from Kuwait, Lebanon and Libya taught the Philippine government valuable lessons concerning the repatriation of Filipinos overseas. It has initiated policy reform and enhanced repatriation operations. With over 10 million Filipinos overseas, future repatriation operations seem inevitable. In light of increased political tensions in other countries the lessons derived from previous repatriation operations may be life saving for countless Filipino migrants. The government must continuously seek to re-evaluate, monitor and improve its response to civil conflicts and natural disasters. Since the start of the conflict in Syria¹ more than 5 thousand OFWs were repatriated from Syria as of January 30, 2014.¹¹ The Philippine government received international praise for its institutional framework that protects migrants overseas.¹² The US and the Philippines led the State led process of "Migrants in Crisis Situation" which clarifies roles and responsibilities, and identify operational measure and capacity needs to improve crises preparedness and responses.¹³ Is the admiration for Philippine institutional framework governing repatriation well founded, when after three years of intense fighting thousands of Filipinos have not been repatriated?

This paper examines if the policies governing repatriation are sufficient, and adequately implemented to ensure the safety of OFWs in crisis-affected areas. This policy brief analyzes the challenges of the Philippine government with respect to the repatriation of OFWs from Syria. It aims to enhance policy formulation and implementation regarding the repatriation of Filipinos in conflict torn countries. The brief starts with a short background of the conflict in Syria, followed by explaining the response of the Philippine government and the repatriation process. Unlike previous repatriation operations, the Philippine government encountered particularly significant challenges in Syria. Based on the findings of this policy brief, CMA is submitting recommendations to policy makers and the executive branch to improve repatriation operations and safeguard the welfare of OFWs in conflict affected countries. The research underlying this policy brief involves interviews and correspondence with several government officials including the embassy of Syria, academia, civil society organizations, international organizations and Syrian diplomats. It also includes a thorough literature review including policy analysis, manuals, procedures, contingency plan, strategies and other documents concerning the repatriation of Filipino in cases of crises.

Brief background

More than 130,000 people have been killed and approximately two million individuals have been displaced since the civil unrest in Syria began on February 2011¹⁴. As a response to decades of political oppression and economic crisis in Syria, peaceful protests marked the beginning of ongoing civil unrest.¹⁵ The violent response of the Syrian authorities to the demonstrations fuelled further opposition. As the protests continued, the crisis escalated in November 2011.¹⁶ Violence initially started in Homs, Hama, Rif Dimashq and Idlib but has now spread throughout the country. The opposition forces in Syria are highly fragmented and on occasion, are fighting one another. Despite several international conventions on the crisis in Syria, there seems little prospect to a solution to the conflict.

Massacres and widespread human rights violations called for a response of the international community. Due to the exercise of the veto power by Russia and China, the United Nations Security Council is paralyzed on the issue. After reports of the use of chemical weapons that killed over 1,400 people, including women and children.¹⁷ United States (US) President Barack Obama threatened to unilaterally launch air strikes. A Russian brokered deal that involves the destruction of chemical weapons averted airstrikes.¹⁸ Nevertheless, the Syrian government has missed several deadlines to destruct or surrender its chemical weapons.¹⁹ The conflict in Syria threatens international and regional security, thereby risking the lives and welfare of millions of Filipinos working in the Middle East region.

Philippine Government Response

Growing international pressure to condemn the Syrian authorities for grave human rights violations were ignored by the Philippine government to retain bilateral relations with the Syrian government. Despite the international criticism mounted at the Philippine government for not condemning the actions of the Syrian government, it prioritized the safety and well being of its nationals. The Philippines deliberately decided to abstain from voting at an United Nations (UN) Human Rights Council (HRC) meeting where a resolution condemning “the continued widespread, systematic and gross violations of human rights, and fundamental freedoms” of the Syrian authorities was passed.²⁰ In subsequent UN HRC meetings the Philippines continued to abstain from voting. The Philippine Secretary of Foreign Affairs, Alberto Del Rosario responded to the Geneva Director of Human Rights Watch (HRW), Julie de Rivero, who wondered why the Philippines became part of the Human Rights Council in the first place. Del Rosario stated that the Philippines was unable to vote because the Philippines was receiving assistance from the Syrian government with the repatriation of its highly vulnerable nationals.²¹

Although the Philippine government did not condemn the Syrian government, the Department of Foreign Affairs (DFA) raised the alert level to Level 3 on August 17, 2011 for the entire country.²² Under alert Level 3, repatriation to the Philippines was encouraged but remained voluntary. Following the imposition of alert level 3, the Philippine Overseas Employment Administration (POEA) imposed a total ban on deployment to Syria on August 17, 2011 until ‘such time that it has been determined that political and security condition has normalized’.²³ The Philippine government organized and financed the repatriation operations. Filipino migrants were advised to “actively monitor the development, keeping lines open with the Embassy and their community coordinators and inform them of their whereabouts as well as restrict their movement only to those necessary”.²⁴

To finance the repatriation operations, the Emergency Repatriation Fund was made available. Additionally, a 40-member Rapid Reaction Team (RRT) was deployed to oversee the repatriation operations.²⁵ The RRT is part of the Overseas Preparedness and Response Team (OPRT), established by Executive Order 34 under the leadership of the Head of the Secretary of the OPRT, the Undersecretary for Migrant Workers Affairs.²⁶ In light of the escalating violence, the Department of Foreign Affairs raised the alert level in Syria to Level 4 for the entire country on 22 December 2012.²⁷ As of February 2012 over 1,000 OFWs were repatriated from Syria.²⁸ On 9 September the number rose to 2,300 while another 2,400 OFWs expressed willingness to be repatriated. As of December 2013 more than 5 thousand OFWs have been repatriated from Syria.²⁹

The Undersecretary for Migrant Workers Affairs, Jesus I. Yabes, explained the process of repatriation using the 3 Ps approach; Preparedness, Partnerships and Political will.

- **Preparedness** includes the formulation of contingency plans by Foreign Service posts including diaspora mapping, command and control procedures, evacuation route plans, and material and logistical resources.³⁰
- **Participation** involves mobilizing the Filipino community through the ‘wardenship’ program where Filipino community leaders have to take care of a number of Filipinos.³¹ The wardenship system was effective in Libya where communities were well organized. The system was more challenging in Syria where the majority of OFWs are undocumented workers.
- **Political will** is instrumental in providing the human, logistical and financial resources required for the crisis intervention programs.³² As part of the Overseas Preparedness and Response Team (OPRT), the Rapid Response Teams (RRT) are deployed to assist the repatriation of OFWs.³³

Challenges of Repatriation

Lack of information about Overseas Filipino Workers and vulnerabilities of domestic workers

There remains high uncertainty about the exact number of Filipinos living in Syria. Lacking accurate information on the Filipinos overseas, the Philippine government is unaware of the exact number of Filipinos who remain in Syria, their locations, their employers, gender and other important information. The Commission on Filipinos Overseas estimated that 17,000 Filipinos, of whom 510 permanent, 2,890 temporary and 13,600 undocumented migrants, were living in Syria at the end of 2011.³⁴ Concluding from these figures, over 80 per cent of Filipinos were undocumented while 90 per cent of the OFWs in Syria were domestic workers, working in private households.³⁵ These figures were established by adding the issuance of residency permits (iqama) from the period of 2009 – 2011. Given that approximately two thirds of Philippine deployments are rehires, it is not surprising that people were counted double or even thrice.³⁶ In 2011 the OPRT revised the number. Working of the 2010 figure, provided by the Syrian Immigration and Passport Directorate, and taking into account rampant human trafficking and Filipinos who have not renewed their iqama, the OPRT arrived at 9 thousand Filipinos living in Syria at the start of the conflict.³⁷ The Philippine Embassy in Damascus is now adjusting its figures to reflect the information received from the Syrian Ministry of Labor and Social Affairs.³⁸ The revised numbers were neither adjusted by government agencies, nor communicated properly to the media.

Domestic workers are particularly vulnerable to exploitation and abuse due to the unregulated character of the sector and the limited monitor mechanisms in place. Because domestic workers work and live with their employers, the abuse takes place behind closed doors. Since the large majority of domestic workers are female, migration of domestic workers must be viewed through a gender sensitive lens and address the specific vulnerabilities of women. Forms of exploitation ranges from withholding travel documents, a prohibition to contact their families, a lack of food, working excessive hours and underpayment to verbal, physical and sexual abuse.³⁹ Crises often exacerbate the living and working conditions of domestic workers. Syria in particular is notorious for its unregulated system for domestic workers.⁴⁰ The living and working conditions are governed solely by the contract, which is often altered upon arrival.⁴¹

Even though it is uncertain how many undocumented Filipinos are living in Syria, human traffickers or illegal recruiters victimize a large proportion of Filipinos in Syria. An increase in oil prices in the mid 70s hurt the economy of South East Asian countries whilst stimulating economic growth in Syria. This created an increased demand for domestic workers in Syria.⁴² The Syrian government had legalized immigration for domestic workers in 2011, yet recruitment agencies were banned under Syrian law.⁴³ As a result, employers recruited Filipinos by unregulated agencies or directly. Recruitment through illegal channels renders Filipino domestic women vulnerable to exploitation and abuse. Syrian labor law or Philippine law does not protect undocumented domestic workers. Illegal entry into Syria is punishable by prison sentences up to a year or fines.⁴⁴ Responding to the intensification of the conflict the Philippine Overseas Employment Administration (POEA) imposed a total ban on deployment to Syria on August 17, 2011.⁴⁵ Despite the deployment ban, reports indicate that 100 Filipinos are trafficked, illegally recruited or pursuing unregulated and unsafe ways to enter Syria every month.⁴⁶ Imposing deployment bans often does not deter migrants. Rather it leads to migration through illegal channels. When considering imposing a deployment ban, the POEA must carefully assess the possible effects of such.

Since the majority of OFWs in Syria are undocumented it is difficult to determine the precise number of OFWs living in Syria, and more importantly, their locations. Without access to reliable, accurate and comprehensive information systems, the Philippine authorities base their contingency

planning, repatriation strategies and policies on incomplete and inaccurate information. A lack of knowledge of the migrants' situation impairs, the relevant agencies to provide protection through transport assistance, health support and emergency assistance. Amongst the vulnerabilities identified by the IOM, the lack of knowledge and lack of information dissemination inhibits repatriation. Information dissemination is important to further the repatriation of Filipinos. Without knowledge of the location of OFWs, the Philippine authorities cannot reach out to the Filipinos in distress. This lack of information on Filipinos overseas was also prevalent in Kuwait.⁴⁷

As provided by Republic Act 10022, a Shared Government Information System on Migration (SGISM) was established to collect and gather all data from the relevant government agencies to allow free flow of data exchanges among its members.⁴⁸ The OPRT and CMC are mandated to "establish a monitoring mechanism that regularly gathers and updates information on the identities and locations of overseas Filipinos, particularly in crisis prone regions"⁴⁹. The OPRT launched the Overseas Filipino Information System (OFIS), as a core element of the SGISM, intended as a tool for emergency preparedness. Among other functions it should gather statistics on irregular migrants.⁵⁰ While the RA 10022 mandated the SGISM in 1995, the United Nations expressed its regret in 2009 that the system is yet to be implemented.⁵¹ The Committee on the Protection of Migrant Workers and Member of their Families recommended in 2009 to establish the SGISM; strengthen collaboration with Philippine Embassies and Consulates for improving data collection; to adopt a mechanism for gathering statistics on irregular migrants; to continue collaboration with relevant partners on analysis and interpretation of data and to ensure adequate funds for the previous.⁵² On May 4, 2012 the UN Committee on the Protection of Migrant Workers and Member of their Families sought clarification on the implementation of the SGISM.⁵³

Since an estimated 9 thousand Filipinos were living in Syria when the conflict escalated, 5,174 were repatriated and 2,593 remain as of January 2014, there is a gap of 1,233 Filipinos.⁵⁴ The inaccurate and outdated government figures derived from invalid methodologies indicate that the information systems are not adequately implemented to identify Filipinos living in conflict areas.

To facilitate timely repatriation and prevent redeployment of repatriated Filipinos to Syria, the Philippine government must implement and improve data collection and sharing systems,. The government agencies must continuously revisit their databases and utilize accurate methods of data gathering. A database containing the names of returning migrants should be included in the system to prevent illegal re-entry of OFWs. A close partnership with Filipino migrant communities in Syria is critical for a timely and efficient repatriation process. Identifying and locating migrants is critical to the preparatory process and helps formulate contingency plans. Even though advertisements are now being used to reach out to Filipinos, mobile technology and social media such as Facebook, Twitter and websites can be utilized to reach out to Filipinos in distress. The identification and tracking of undocumented Filipinos can be extremely difficult for Philippine authorities. However, as it is the primary responsibility of the Philippine government to protect their nationals, the government must continuously seek innovative ways of enhancing information dissemination systems through engaging the community.

Rising costs of repatriation

The costs of repatriation of OFWs from Syria are high. As the conflicts intensifies the costs of repatriation increases. As provided by the Migrant Workers and Overseas Filipinos Act as amended by Republic Act (RA) 10022 (Magna Carta for Migrant Workers), the employers and recruitment agencies are financially liable for the repatriation of documented Filipino migrants.⁵⁵ The Magna Carta for Migrant Workers allocates PhP100 million for emergency repatriation in cases of war, epidemic, disasters or calamities, natural or man-made or similar events to the OWWA to advance the payment of repatriation of OWWA members.⁵⁶ The recruitment agencies

and employers then reimburse the costs.⁵⁷ The DFA estimated that the repatriation of OFWs in Syria would cost approximately Php 200 million.⁵⁸ In the fiscal year of 2012 alone, the DFA allocated Php 90 million for the reimbursement of the advances made by the OWWA for Emergency Repatriation Costs.⁵⁹ In cases where the cost of repatriation shall exceed One Hundred Million Pesos (Php100,000,000), the OWWA shall make representation with the Office of the President for immediate funding in excess of said amount”⁶⁰ The General Appropriations Act (GAA) allocates funds to the DFA for the repatriation of Filipinos in conflict areas. The various government agencies involved in funding the repatriation may lead to complications and confusion, thereby hampering expedited repatriation. Misappropriation or the red tape involved, significantly delays repatriation, making it increasingly expensive. DFA acknowledged that the increasing costs slow down the repatriation of OFWs.⁶¹

When employers and recruitment agencies fail to reimburse the costs, the OWWA finances the repatriation through the Emergency Repatriation Fund.⁶² Since the majority of OFWs in Syria are undocumented the costs of repatriation cannot be retrieved from recruitment agencies or employers.⁶³ DFA spokesman Assistant Secretary Raul Hernandez noted the amount that Syrian employers are demanding for the release of OFWs has risen from US\$4,000 to US\$10,000.⁶⁴ The Syrian authorities stated that these figures are exaggerated⁶⁵ as employers were paid USD1,500 for Filipinos that worked for 1 year and USD3,000 for Filipino who had contracts for 2 years. As informed by the Syrian representatives the last reimbursement was more than 18 months ago.⁶⁶ Considering the costs increase as the conflict worsens, the anticipation of conflicts and a timely and prepared response may significantly decrease the costs. More importantly, it reduces the risks for OFWs. The Philippine foreign missions also negotiate with employers to lower reimbursement costs, which slow down the repatriation process.

As provided by Executive Order (EO) 34 the OPRT is mandated to anticipate strategies and programs, review and update contingency plans and undertake a continuing assessment of the plans.⁶⁷ Nevertheless, almost three years after the conflict started, over two and a half thousand Filipinos remain in Syria despite implementing mandatory repatriation. A more proactive approach including appropriate and timely funding of the Philippine authorities to repatriate OFWs in Syria may decrease the costs of repatriation. The red tape and ambiguity of funding sources impairs and slows down repatriation. The Philippine authorities can consider raising the alert level earlier to initiate repatriation earlier thereby decreasing costs.

Lack of Coordination between government agencies

The repatriation of nationals in crisis-affected areas is complicated by the number of government agencies mandated and tasked to protect Filipinos abroad. Migrant rights groups have criticised the lack of coordination between government organizations.⁶⁸ If there is any clarity of coordination and communication among government agencies, it is currently not reflected in the policies and legislation of the Philippine government. While various crisis teams consist of different government departments, the policies are ambiguous on which team or government agency bears final responsibility and can be held accountable for repatriation. To execute successful repatriation operations, government agencies must be aware of their exact functions, prevent duplication of functions and closely cooperate and communicate. Various Executive Orders (EO), Republic Acts (RA) and Department Orders (DO) designate similar functions and accountabilities to different government agencies.

As mandated by Rule XIII, section 5 of the Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act as amended by Republic Act 10022:⁶⁹

“The OWWA, in coordination with DFA and appropriate situations, with international agencies, shall undertake the repatriation of workers in cases of war, epidemic, disaster or calamities, natural or man-made, and other similar events...”

According to EO74 establishing the One Country Team Approach:⁷⁰

“all officers, representatives and personnel of the Philippine government posted abroad, including but not limited to Trade Commissioners, Commission on Filipino Overseas (CFO) attaches, and trade, information, labor, military and cultural attaches, shall on a per country basis act as one-country team with a mission under the leadership of the Ambassador, who shall act as a team leader”

According to EO34, creating the Overseas Preparedness and Response Team:⁷¹

“Whereas, natural disasters, civil unrest, armed conflict and similar crises in foreign countries expose overseas Filipinos to immediate hazards and risks;

“There is hereby created an Overseas Preparedness and Response Team, hereinafter referred to as OPRT, under the Office of the President”

According to DFA DO No. 11-12⁷²

“there is hereby created a Crisis Management Committee”

The functions of the DFA Crisis Management Committee (CMC) are slightly different to the functions of the OPRT. These functions include; anticipate strategies and programs, formulate policies and focus on appropriate responses, develop and adopt operating arrangements among agencies, integrate agency plans as well as develop, implement, review and update all policies, contingency plans and strategies; the formation and deployment of RRTs; authorizing to dispatch additional personnel to Philippine Embassies and Consulates; to establish a monitoring system to identify the migrants and their locations; call upon, for assistance, any department, office or agency of the government or private sector; conduct workshops on risk reduction and crisis management and prepare a communication plan.⁷³ The composition of both teams, on the other hand, is quite different. While the CMC is under the authority of the DFA, the OPRT is under direct authority of the Executive Secretary.⁷⁴ The Undersecretary of Migrant Workers Affairs is the head of the secretariat of the OPRT as well as member of the CMC. However, the OPRT consists of mainly Secretaries of various departments while the CMC is comprised of Assistant Secretaries. The government departments represented in each team are also very different. As the functions of both teams are similar but the composition of the teams is different, it creates ambiguity as to which government agency, team or person is responsible and can be held accountable. It may also cause duplication, uncertainty and confusion among the members of the team. Without The ambiguity can also be misused in such a way to avoid accountability and responsibility.

The OPRT replaced the Presidential Middle East Preparedness Committee (PMEPC) in April 2011 to respond to disasters in New Zealand, Japan, and the ongoing armed conflict in the Middle East and North Africa.⁷⁵ The PMEPC was created in 2001 for a duration of 12 months.⁷⁶ Each time a crisis occurred in the region the PMEPC was extended ad hoc, but never maintained as a permanent team⁷⁷. As an ad hoc team the continuous review, updating and anticipation of strategies is inherently reactionary. A permanent team that is continuously reevaluating its policies, strategies and contingency plans seems more appropriate to proactively anticipate the effects of conflict and initiate repatriation.

The Migrant Workers and Overseas Filipinos Act designate the responsibility of emergency repatriation to the OWWA, in coordination with DFA. The OCTA is under the leadership of the

Ambassador, the CMC under the DFA and the OPRT under the authority of the Executive Officer. From the foregoing, it remains unclear which government agency or individual bears the responsibility for the repatriation of OFWs in emergencies, what their functions are and how these overlap. The EOs, DOs, and RAs all promote coordination between government agencies. Yet, the high number of teams and agencies involved complicate the process, increase uncertainty, slows down repatriation and reduces the accountability and responsibility. The UN Committee on Migrant Workers, in a report submitted to the Philippines examining compliance with the Migrant Workers Convention, listed as the very first issue 'Simplifying and streamlining the institutional structure dealing with migration issues'.⁷⁸ The various EO, RAs and DOs suggest that the institutional structure dealing with migration issues is highly complex. There is clearly a need for a simplified, streamlined, unambiguous and coherent government policy concerning the repatriation of OFWs.

In November 2011, Vice President Binay called for a review of contingency plans as he admitted that the government was unprepared to deal with the conflict in Libya. By then, the Philippine government had repatriated over 10 thousand workers in three months alone.⁷⁹ The fact that thousands of Filipinos remain in Syria and only 5 thousand have been repatriated after three years suggest that the Philippine government was even more unprepared for the conflict in Syria. It also suggests that the government had not successfully reviewed the contingency plans to prevent this. Concluding from the foregoing, the existing policies, strategies and contingency plans are not adequately and sufficiently implemented to ensure the safe return of OFWs from Syria. The policies, guidelines, manuals, protocols, contingency plans etc. are futile when they are not being implemented.

Decision of OFWs to remain in Syria

The Philippine government raised the alert level to Level 4 in January 2012⁸⁰, implementing mandatory repatriation of all Filipino nationals in Syria. Against DFA's advice, thousands of OFWs decided to remain in the country for various reasons.⁸¹ Financial incentives and a lack of opportunities in the Philippines, amongst others, were the most prevalent motivations for OFWs to remain. OFWs were concerned about the lack of employment and low wages in the Philippines, which would inhibit them to provide support to their families. Syrian employers also raised workers' salaries and understated the dangers of the crisis to encourage them to stay.

There are few economic incentives for OFWs to return home. Government programs to assist returning migrants are limited. OWWA's reintegration programs provide assistance and opportunities to returning migrants, yet; only few migrants avail of these programs, which are hardly suitable or tailored to the needs and skills of the migrants. A Php 2 billion OWWA OFW reintegration program distributes Php 300,000 to Php 2 million loans for enterprise development and project support with an interest rate of 7.5 per cent. To be eligible for the loan, an OFW must undergo the Entrepreneurial Development Training of the National Reintegration Center for OFWs (NRCO)⁸². The OWWA also launched the Relief Assistance Program, providing OWWA members with Php 10,000 each.⁸³ As the cash amount aims to provide immediate relief, it hardly compensates for the migrants' wages.⁸⁴ Additionally OFWs may avail of Training Assistance and Investment opportunities while all OFWs are oriented on the National Reintegration Center for OFWs (NRCO).⁸⁵ The reintegration services also offers domestic and international job referral. The programs offered by OWWA are largely aimed at business development, entrepreneurship and investment. They are not suitable for, or tailored to the needs of domestic workers returning from Syria. It must be noted that the OWWA reintegration services is funded by the OWWA members themselves though the membership contributions of the pre-departure, on-site and upon return phases of migration the reintegration phase is least developed.⁸⁶ As of May 2013 of the 4,500 returning OFWs from Syria, only 257 availed of these programs.⁸⁷

The NRCO's Balik Pinas Balik Hanapbuhay (Return to the Philippines Return to Livelihood) program provides Starters Kits of Php 7,500 for all displaced and distressed workers.⁸⁸ The

program provides training, equipment and goods to distressed OFWs. The NRCO programs also include the promotion of entrepreneurship, savings and investment, and expand the actors and institutions as partners. From January until June 2013, only 202 starter kits and training were provided to OFWs from the entire Middle East region⁸⁹ while in the same period close to 1,000 OFWs were repatriated from Syria alone.⁹⁰ According to the Civil Society, past administrations have not designed or implemented effective reintegration programs for returning migrants.⁹¹ Only a limited number of migrants have availed of these programs as reflected in the 2009 Civil Society Response to the UN Committee on Migrant Workers and Members of Their Families.⁹² The same committee recommends the Philippine government to “allocate sufficient budget to reintegration programs, and in particular to the reintegration centre which opened in 2007”.⁹³ Many returnees preferred redeployment to other countries but the government encouraged the OFWs to remain in the Philippines.⁹⁴ While reintegration programs are available for migrants returning from crisis areas, entrepreneurship programs and savings and investment programs do not address the needs of the returning migrants from Syria. As the salaries of the migrant workers in Syria are usually higher than the reintegration programs, the families of the workers are dependent on the OFWs then there is no viable alternative to staying.

Lesson learned from previous repatriation operations

Repatriation of OFWs in conflict torn countries is not a unique phenomena. While the situation in each country may require a tailored approach, lessons can be derived from previous operations in Kuwait, Libya, Lebanon, Yemen and Egypt. The 1990s Gulf War exposed the vulnerabilities of temporary migrant and the inadequate protection mechanisms available to migrant workers.⁹⁵ Nevertheless, roughly 30,000 Filipinos were repatriated from Kuwait and Iraq, making it the largest repatriation operation to date.⁹⁶ Close cooperation with international organizations such as the IOM, the International Red Cross, the Red Crescent Society and relevant UN agencies; the high presence of government agencies on site; information dissemination campaigns and appropriate funding allocation facilitated a timely and efficient repatriation.⁹⁷ The IOM repatriated almost 67 percent of the repatriated Filipinos.⁹⁸ In addition, the Philippine government crafted a National Contingency Plan to respond to the conflict.⁹⁹ It also asked the employers of the OFWs to formulate a contingency plan. However, a lack of reliable data and insufficient on site government personnel hampered repatriation operations as it has in Syria.¹⁰⁰ Poor interagency coordination and limited private sector participation further hindered repatriation operations. The large-scale repatriation in Kuwait highlighted the dangers for Filipinos in crises struck areas and prompted the government to institutionalize repatriation in amendments made to the Magna Carta for Migrant Workers.¹⁰¹

In the 2006 repatriation operations from Lebanon, the government was criticised for its limited funding by Party-list representatives. Solicitor General, Frank Chaves, accused the then President Arroyo of misappropriating the funds to finance her election campaign.¹⁰² Over a thousand of the 6 thousand returning OFWs were referred to the DOLE and POEA for redeployment to other countries.¹⁰³ Another 700 returnees, who preferred local employment, were referred to the Public Employment Service Offices. Approximately 1500 repatriates received Training for Work Scholarships.¹⁰⁴ Although the reintegration programs administered in Lebanon created an incentive for OFWs to return to the Philippines, they have been criticised for being merely reactionary.¹⁰⁵

In Libya, repatriation of Filipinos started in the same month, the violence erupted in February 2011. In three months time, the Philippine government successfully completed the repatriation of 10,000 OFWs by April 2011¹⁰⁶ compared to the situation in Syria where in almost three years of civil conflict in Syria only a little more than half of that were repatriated. The Philippine government engaged actively with the Filipino community in Libya, creating structures for repatriation, mobilizing funds, disseminating information and registering migrants in need of relocation.¹⁰⁷ The Filipino community in Libya was highly organized, and migrants were registered with the Philippine

government facilitating the evacuation. Most migrants were highly skilled professionals, employed by large multinationals, which advanced the repatriation of migrants. Unlike in Syria, the private sector played an important role in the repatriation operations in Libya. The large companies in Libya had more capacity to formulate and execute contingency plans than individual employers of domestic workers in Syria. Common problems faced in Libya ranged from the non-payment or delayed payment of salaries, to robbing and looting in the process of evacuation.¹⁰⁸ In response to the crisis in the MENA region, an IOM report on the Dhaka Consultation of the Colombo process recommended to introduce an early warning system, mobilize community organizations, establish effective reintegration programs, initiate bilateral agreements and share information and data.¹⁰⁹ This forum recognized the essential need for enhanced international collaboration and institutionalization of evacuation.¹¹⁰ Despite the relatively successful repatriation operations in Libya, OFWs are returning after the ban on deployment was partially lifted in December 2011 for oil workers and medical workers, and fully lifted in March 2012.¹¹¹

Other small-scale emergency response operations In Egypt, Yemen, Timor-Leste, Kazakhstan, and Gaza repatriated Filipinos from conflict areas. With over 6 thousands Filipinos living in Egypt, most of whom far away from the crisis affected area, the repatriation of Filipinos from Egypt was relatively less challenging. 168 Filipinos were repatriated by November 2013 when DFA lowered the alert level to level 2.¹¹² In Egypt, the Department of Labor and Employment deployed two welfare officers to assist repatriation of OFWs while offering the possibility of redeployment abroad.¹¹³ The Philippine Overseas Labor Office (POLO) worked closely with embassies and host governments to expedite visa issuances.¹¹⁴ Once the OFWs were repatriated they were provided with livelihood assistance and employment. In the repatriation from Yemen, the Philippine authorities worked closely with the employers of the OFWs to facilitate and finance the repatriation.¹¹⁵ 1,422 Filipinos were registered with the embassy in Yemen when violence erupted¹¹⁶ there was only a small proportion of undocumented Filipinos living at the end of 2010.¹¹⁷ Many Filipino decided to stay in Yemen and the employers were required to formulate contingency plans.¹¹⁸

The lessons learned from previous repatriation operations highlight the recurring issues that hinder repatriation. There is a clear need for a proactive response including a data collection system that gathers information on Filipinos living abroad including undocumented Filipinos, and a suitable reintegration system tailored to the needs of the specific migrants. It stresses the importance of close cooperation with local authorities, Filipino communities in destination countries, employers and international organizations. As each of the crises is unique, the Philippine authorities must be aware of the dynamics of each crises to formulate their contingency plans on.

Building partnerships for repatriation

Cooperation on a national, regional and international level is imperative to successful emergency responses. In coordination with the OWWA, the Philippine Embassy in Damascus and international organizations such as the International Red Cross and the International Organization for Migration (IOM) the DFA directed the repatriation of Filipino nationals from Syria. Strong bilateral cooperation with countries in crisis facilitates the provision of health care services, transportation, the processing of travel documents and other forms of humanitarian assistance. Upon request of the Philippine government Syria waived exit visas requirements¹¹⁹ and posted advertisement in newspapers while exploring opportunities for TV ads to reach as many Filipinos as possible. DFA sought assistance of the Syrian Immigration and Passport Directorate and proposed to launch a website containing the names of Filipinos remaining in Syria.¹²⁰ Due to the dangerous situation in Syria, the Syrian Consul General in Manila rarely issues visas for Filipinos to travel to Syria.

Regional cooperation with bordering countries further accommodates the repatriation of nationals. Many Filipinos were repatriated from Syria through Lebanon.¹²¹ When migrants refuse to leave due to the limited economic opportunities in their home country, the government of these citizens can encourage their nationals to leave the country by negotiating redeployment in surrounding countries. The IOM estimates that there are 120 thousand migrant workers in Syria from more than 23 countries, many of who are domestic workers from Indonesia.¹²² Bilateral cooperation or regional coordination with migrant sending countries can further facilitate repatriation. Close coordination with the governments of these countries facilitates repatriation.

International conventions can be used to exert influence on governments to protect migrant workers by holding them accountable to the obligations of States under the relevant international instruments. Signatories to the International Convention on the Protection of the Rights of All Migrants and Members of Their Families and for Other Purposes, which include Syria, are obliged to provide effective protection against violence,¹²³ refrain from arbitrarily detaining migrants workers,¹²⁴ ensure that travelling documents may not be destroyed and ensure the right of medical care in life threatening situations.¹²⁵ International organizations such as the IOM are important partners in ensuring repatriation and providing humanitarian assistance to distressed migrants. The IOM advances the repatriation by providing in-country transportation, camp management and displacement tracking, health support, reintegration assistance, counter trafficking and protection of vulnerable migrants, meals, emergency consular assistance and humanitarian communications. It also provides assistance by distributing emergency non-food items, psychological support and assisting in maintaining adequate shelters.¹²⁶ The IOM works closely with non-governmental organizations (NGOs), local authorities and communities by enhancing and maintaining management systems and processes as well as building the capacity of the NGO, communities and Council bodies.¹²⁷

Non-governmental organizations, trade unions and academia offer important assistance to improve repatriation operations. Civil society organizations are often connected to migrant communities in the country of destination. As undocumented migrants are reluctant to approach the government for assistance due their migration status, they prefer to contact civil society organizations. NGOs also provide assistance in the form of advice. Country analysis and research facilitates the anticipation of conflicts and contingency planning. The Philippine government, in coordination with the IOM is developing training modules for labor attaches to respond to emergency crises. NGOs are involved in developing these trainings. As labor attaches are redeployed at least every 3 years they often lack knowledge of local language and culture. Labor attaches must be encouraged to be redeployed to countries in the same region, and learn the language, culture and customs to accommodate diplomatic relations, anticipate crises and assist

when crises occur. Dialogue with NGOs and academia enhances collaboration with the civil society, thereby creating a more comprehensive approach.

Conclusion

Civil unrests in the Middle East and North Africa threaten the welfare and safety of thousands of Filipinos working in the region. The Philippine government continuously seeks to improve repatriation operations to ensure the safe return of Filipino. Repatriation operations from Syria, initiated by the Philippine government have resulted in more than 5 thousand Filipinos returning to the Philippines. The Philippine government is internationally praised with its institutional framework protecting nationals abroad.

Nevertheless, after three years of conflict, thousands of Filipinos remain in great danger in a country devastated by civil strife. The undocumented status of the majority of Filipinos in Syria complicates information dissemination, localization, transportation and ultimately the repatriation of Filipinos from Syria. Filipinos arriving in Syria can go through various unregulated and undocumented channels. As many have migrated from third countries or overstayed their visas, the Philippine government faces difficulties tracing and registering the Filipinos in Syria. While it remains difficult for the Philippine government to track the OFWs, the extremely dangerous situation in Syria calls for innovative measures to locate the Filipinos that remain. The data sharing mechanisms intended to identify OFWs in conflict zones are currently not effectively implemented to locate undocumented migrants.

Increasing costs slow down and hinder repatriation. Employers are demanding exorbitant compensation to release migrants while raising their salaries to encourage them to stay. As the conflicts deteriorates, the costs and risks for Filipino workers increase. Proactive approaches for rapidly escalating conflicts require immediate action. A simplified institutional framework to allocate sufficient funds facilitates repatriation.

Ambiguity, confusion, duplication and a lack of coordination between government organizations slow down repatriation. Currently, several teams under the authority of different department and individuals and composed of various government agencies are tasked to execute the repatriation operation. Coherent, simplified and streamlined policies can enhance accountability and responsibility.

Without sufficient financial incentives migrants are inclined to remain in Syria. The reintegration programs offered by OWWA and the NRCO, which are intended to assist migrants upon return to the Philippines, do not provide enough compensation and are not tailored to the specific needs of the migrants to serve as incentive to return to the Philippines. Few repatriated migrants have availed of these programs and most OFWs are interested in deployment abroad.

National, regional and international cooperation with foreign governments, civil society organizations and the private sector is imperative to the successful repatriation. With over 10 million Filipinos living all over the world, future repatriation operations are inevitable. The Philippine government must continuously seek to review, improve and monitor repatriation operation to fulfil its first and foremost responsibility to protect their nationals, at home and abroad.

Recommendations

Based upon the findings of this policy brief, the Center for Migrant Advocacy urges the Philippine government to:

- I. Continuously improve data collection and data sharing systems amongst government agencies to gather accurate relevant and up-to date information on undocumented migrants including their locations, locations of their workplaces, professions and gender disparities. Establish and effectively utilize the Overseas Filipinos Information System (OFIS) as part of the Shared Government Information System on Migration (SGISM) as mandated by Republic Act 10022 to enhance identification and tracking of undocumented OFWs. Maintain a database on returning migrant to prevent redeployment to the country in crisis and provide services,
- II. Simplify and streamline the institutional structure dealing with emergency responses. Create policy coherence among government agencies. Clarify and simplify government policies on the repatriation of Filipinos in emergency crises to prevent duplication of functions, ambiguity of responsibility and accountability which delays repatriation operations.
- III. Engage and increase coordination with Filipino communities in countries of destination and the Philippines to locate, inform and assist OFWs as well as indentifying undocumented migrants Build the capacity of Philippine communities on emergency response by providing trainings, organizing community meetings and continues communication with community leaders.
- IV. Promote bilateral cooperation with countries of destination by including emergency responses to Memorandums of Understanding (MOUs) and bilateral agreements. Encourage multilateral dialogue with regional partners, surrounding countries and through international instruments such as ASEAN. Continue coordination with international organizations. Request the assistance of civil society organizations and academia to proactively respond to crises.
- V. Actively enhance monitoring and evaluation of the political situation in receiving countries to anticipate potential conflicts arising and inform overseas migrants of the situation. Continuously seek to review, evaluate, enhance and validate contingency plans, repatriation policies and strategies based on the latest political assessment.
- VI. Respond proactively to conflicts by raising the appropriate alert levels, deploying the Rapid Reaction Teams, and coordinating with overseas missions and receiving country government agencies to initiate repatriation. Solicit the support of NGOs, local communities and academia to anticipate conflicts, formulate responses and provide country specific profiles.
- VII. Adapt reintegration programs to the specific needs of the returning migrants, including psychological assistance. Increase awareness of these programs through information dissemination and assist returning OFWs who prefer to be deployed to other destination countries.

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